

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

LEVEL 3 COMMUNICATIONS,)	
LLC,)	
)	
Plaintiff,)	
)	
v.)	Civil Action Number:
)	5:02-cv-2055-VEH
CITY OF HUNTSVILLE,)	
ALABAMA,)	
)	
Defendant.)	

AMENDED NOTICE OF APPEAL

Notice is hereby given that defendant City of Huntsville, Alabama (the “COH”), hereby amends its notice of appeal previously filed on June 16, 2005, to add additional bases for its appeal. As amended, the COH appeals to the United States Court of Appeals for the Eleventh Circuit from the following final decisions of the district court in this action: (1) the portion of the final judgment entered on May 17, 2005, granting summary judgment to plaintiff Level 3 Communications, LLC (“Level 3”), and denying summary judgment to the COH with respect to the claim for declaratory relief in Count I of the amended complaint relating to whether the COH’s rights-of-way use fees are a tax under Alabama law; (2) the order entered on March 9, 2005 (which was orally communicated to the parties on July 30, 2004), granting Level 3’s motion to strike filed on January 9, 2004; and (3) the order entered on July 15, 2003, denying the COH’s motion to compel filed on June 20, 2003.

/S/ Michael L. Fees

Michael L. Fees

Alabama State Bar Number:

ASB-4924-F51M

/S/ C. Gregory Burgess

C. Gregory Burgess

Alabama State Bar Number:

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CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of June, 2005, I electronically filed the foregoing with Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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and I hereby certify that a copy of the foregoing has been served by depositing a copy in the United States Mail, first class, postage prepaid, addressed to the following non-CM/ECF participants:

T. SCOTT THOMPSON
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/S/ C. Gregory Burgess
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